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Attorneys for Plaintiff Northstar Financial Advisors, Inc.

[Additional Counsel on Signature Page]

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

NORTHSTAR FINANCIAL ADVISORS,
INC., on behalf of itself and all others
similarly situated,) Case No. Case No. 5:08-cv-04119-LHK
Plaintiff,) CLASS ACTION
v.)
SCHWAB INVESTMENTS; MARIANN) PLAINTIFF'S NOTICE OF APPEAL AND
BYERWALTER, DONALD F.) NINTH CIRCUIT RULE 3-2
DORWARD, WILLIAM A. HASLER,) REPRESENTATION STATEMENT
ROBERT G. HOLMES, GERALD B.)
SMITH, DONALD R. STEPHENS,) Courtroom: 8, 4th Floor, San Jose
MICHAEL W. WILSEY, CHARLES R.) Judge: Hon. Lucy H. Koh
SCHWAB, RANDALL W. MERK,)
JOSEPH H. WENDER and JOHN F.)
COGAN, as Trustees of Schwab)
Investments; and CHARLES SCHWAB)
INVESTMENT MANAGEMENT, INC.,)
Defendants.)

1 PLEASE TAKE NOTICE that plaintiff Northstar Financial Advisors, Inc., on behalf of itself
2 and all others similarly situated, appeals to the United States Court of Appeals for the Ninth Circuit
3 from the following Orders of the United States District Court for the Northern District of California
4 (Hon. Lucy H. Koh presiding): (1) the Order Granting in Part and Denying in Part Defendants'
5 Motion to Dismiss Fourth Amended Complaint, entered on October 5, 2015 (Dkt. No. 229); (2) the
6 Order Denying Motion for Leave to File Motion for Reconsideration, Granting Motion for Judgment
7 on the Pleadings, and Denying as Moot Motion for Class Certification, entered on February 23, 2016
8 (Dkt. No. 260); and (3) Judgment, entered on February 23, 2016 (Dkt. No. 261).

9 Per Circuit Rule 3-2, a Representation Statement is attached to this notice.

10 Dated: February 25, 2016

Respectfully submitted,

11 **BERMAN DEVALERIO**

12 By: /s/ Christopher T. Heffelfinger
13 Christopher T. Heffelfinger

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28 ***Attorneys for Plaintiff Northstar Financial
Advisors, Inc.***

1 **NINTH CIRCUIT RULE 3-2 REPRESENTATION STATEMENT**

2 Pursuant to Ninth Circuit Rule 3-2 and Fed. R. App. P. 12(b), the following list identifies the
3 parties to the action and the names, addresses and telephone numbers of their respective counsel:

4 1. Plaintiff-Appellant Northstar Financial Advisors, Inc., on behalf of itself and all others
5 similarly situated, is represented by the following counsel:

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29 2. Defendants-Appellees Schwab Investments; Mariann Byerwaler, Donald F. Dorward,
30 William A. Hasler, Robert G. Holmes, Gerald B. Smith, Donald R. Stephens, Michael W.
31 Wilsey, Charles R. Schwab, Randall W. Merk, Joseph H. Wender, and John F. Cogan, as
32 Trustees of Schwab Investments; and Charles Schwab Investment Management, Inc., are
33 represented by the following counsel:

34 **DECHERT LLP**

35 Matthew L. Larrabee
36 Joshua D. N. Hess
37 Brian C. Raphael
38 One Bush Street, Suite 1600
39 San Francisco, CA 94104
40 Telephone: (415) 262-4545

1 3. Defendants Mariann Byerwalter, Donald F. Dorward, William A. Hasler, Robert G.
2 Holmes, Gerald B. Smith, Donald R. Stephens, Michael W. Wilsey, Charles R. Schwab,
3 Randall W. Merk, Joseph H. Wender, and John F. Cogan are also represented by the
4 following counsel:

5 **QUINN EMANUEL URQUHART & SULLIVAN, LLP**

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13 Dated: February 25, 2016

14 Respectfully submitted,

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